

REMARKS

The indicated allowance of claims 20-22 and 27-31 is noted, with thanks.

Claims 17, 18 and 23 have been amended to better define the claimed invention. More particularly, claims 17, 18 and 23 have been amended to clarify that the first end of the spring member is affixed to a central area of the first outer convex surface of the first fixture and the second end of the spring member is affixed to a central area of the second outer convex surface of the second fixture, and that the object is compressively held between the first and second fixtures. Support is found in the application as originally filed, see in particular, Figs. 1, 2A, 2B, 3, 5 and 6. This clearly distinguishes Applicant's claimed invention from Willner, which has been cited as anticipatory of claim 17 and combined with Darling to reject claims 18 and 23-25. In Willner, spring member 12 is mounted adjacent the lower end of housing 14. This puts Willner in shear. Applicant's claimed clasp is in compression. Thus, Applicant's claimed invention is superior in terms of holding power and durability.

Darling, which has been combined with Willner to reject claims 23-25, has no structure per se. Accordingly, Darling cannot be said to supply the missing teachings to Willner to achieve render obvious claim 23 or claims 24 and 25 which depend thereon.

In rejecting the claims as obvious from Willner in view of Darling, the Examiner acknowledges the primary reference Willner fails to teach or suggest a cellular material on the concave surfaces of the fixtures. However, the Examiner looks to Darling to supply this missing teaching. Darling teaches various compositions suitable for use as a buoyant putty, i.e., to keep otherwise sinkable objects afloat. Applicant's claimed invention employs a flexible cellular material to protect the surface of an ornamental object fixtured in Applicant's class and/or securely but releasably hold a regularly shaped objects in the class. Thus, Applicant employs a

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

cellular material for an entirely different purpose. Moreover, Applicant's claims require that the cellular material be applied to the inside, i.e., concave surfaces of the class located therein, the cellular material would be compressed by the object being head in the clasp. Thus, the purpose of employing a buoyant putty, i.e., as taught by Darling would be defeated.

Furthermore, Darling constitutes non-analogous art. The primary reference Willner relies solely on mechanical frictional engagement. Darling simply teaches a buoyant putty in which objects may be wrapped or embedded. There is no motivation within Willner and Darling to combine the references as the Examiner has. Accordingly, it is submitted the Examiner has implied impermissible hindsight and is applying the teachings of the present invention to the prior art to make out a case of obviousness.

In the Examiner's remarks at the bottom of page 4 of the Action, the Examiner, in discussing the previously added limitations of claims 17 and 23 states "Applicant fails to have support in his specifications for the limitations". It is submitted that the previously added limitations find full support in the original specification. See in particular, Figs. 1-6 and the corresponding description at page 3, line 15 - page 8, line 6. See in particular, Figs. 4A-4D and the corresponding description at page 6, lines 6-17.

With regard to ciphers 9-11 of the Action, independent claims 17, 18 and 23 have been amended to specifically address the Examiner's Response.

With regard to ciphers 12 and 13 of the Action, as noted *supra*, Applicant's claimed jewelry clasp, the cellular materials are compressed thereby rendering them ineffective to provide buoyancy.

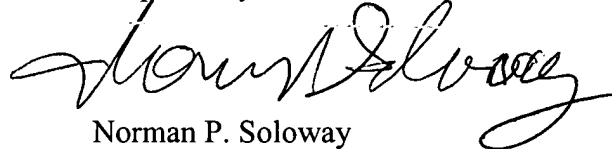
Accordingly, it is submitted that the rejection of claim 17 as anticipated by Willner, and the rejection of claims 18 and 23-25 as obvious from Willner in view of Darling, since no

combination of Willner and Darling reasonably could be said to achieve render obvious any of claims 18 and 23-25.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 21, 2004, at Tucson, Arizona.

By Kim Hood

NPS:kg

HAYES SOLOWAY P.C.
130 W. CUSHING ST.
TUCSON, AZ 85701
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567